

SENT TO GOVERNOR

(April 4, 1995)

S.C.R. 1	S.B. 290
S.C.R. 13	S.B. 304
S.C.R. 25	S.B. 318
S.C.R. 26	S.B. 319
S.C.R. 107	S.B. 387
S.B. 165	S.B. 414
S.B. 200	S.B. 446

FORTY-SEVENTH DAY

(Wednesday, April 5, 1995)

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Jerry R. Rahm, Pastor, Presbyterian Church of the Hills, Austin, offered the invocation as follows:

Our Father, we acknowledge this morning our need of You. We need the power of Your spirit's presence. We ask that the work we undertake will be pleasing to You, and that our efforts will be used to protect the citizens, to care for the needy, to preserve the peace, and to promote unity.

Grant to the leadership of this Senate, Governor Bullock, Senator Barrientos, and the chairs of each committee and subcommittee, the wisdom and the courage they need as they set the course for our beloved State of Texas.

Finally, our Father, we ask for peace. Enable us to honor one another even as we disagree, to listen to one another as we listen also to You, and to love one another as You have loved us. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 252

On motion of Senator Turner and by unanimous consent, Senator Armbrister will be shown as Co-author of **S.B. 252**.

CO-AUTHORS OF SENATE BILL 953

On motion of Senator Truan and by unanimous consent, Senators Lucio, Madla, and Zaffirini will be shown as Co-authors of **S.B. 953**.

CO-AUTHOR OF SENATE BILL 979

On motion of Senator Sibley and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 979**.

CO-AUTHOR OF SENATE BILL 1280

On motion of Senator Sibley and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 1280**.

CO-AUTHORS OF SENATE BILL 1599

On motion of Senator Truan and by unanimous consent, Senators Barrientos, Gallegos, Lucio, and Rosson will be shown as Co-authors of **S.B. 1599**.

PERMISSION TO INTRODUCE BILL

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of **S.B. 1631**.

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 981, Relating to the justification for the use of force as a defense in the prosecution of a criminal case.

H.B. 1341, Relating to the operation and funding of the Work and Family Policies Clearinghouse.

H.B. 85, Relating to the development of distance learning and related activities by institutions of higher education.

H.B. 947, Relating to loans secured by liens on agricultural-use or open-space land.

H.B. 223, Relating to missing children.

H.B. 1178, Relating to authorizing municipalities to use the competitive sealed proposal procedure for certain purchases.

H.B. 276, Relating to the maximum flow requirement for a toilet installed in certain remodeled buildings.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

SENATE BILL AND RESOLUTION ON FIRST READING

The following bill and resolution were introduced, read first time, and referred to the committees indicated:

S.C.R. 114 by Bivins Natural Resources
Establishing a program whereby loans are made to state agencies, local governments, mass transit authorities, municipalities, counties, or special districts.

S.B. 1631 by Truan Natural Resources
Relating to the evaluation and study of potential low-level radioactive waste disposal sites.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
April 5, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE JUDGE OF THE 88TH JUDICIAL DISTRICT COURT, HARDIN AND TYLER COUNTIES, until the next General Election and until his successor shall be duly elected and qualified:

WILLIAM D. BEGGS
P. O. Box 355
Sour Lake, Texas 77659

Mr. Beggs will be replacing Judge Earl B. Stover, who was elected to the Ninth Court of Appeals in Beaumont.

TO BE MEMBERS OF THE TEXAS BOARD OF ARCHITECTURAL EXAMINERS for terms to expire January 31, 2001:

PAULA C. DAY
2813 Hartwood Drive
Fort Worth, Texas 76109-1236

Mrs. Day will be replacing Jerry E. Yancey of Plano, whose term expired.

JOHN ONLY GREER

506 East Brookside

Bryan, Texas 77801

Mr. Greer will be replacing Theodore S. Maffitt, Jr., of Palestine, whose term expired.

CLEVELAND TURNER III

2808 South Lipscomb Street

Amarillo, Texas 79109-3532

Mr. Turner is being reappointed.

Respectfully submitted,

/s/George W. Bush

Governor of Texas

SENATE RESOLUTION 644

Senator Madla offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 74th Legislature, Regular Session, 1995, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on **S.B. 821** to consider and take action on the following matters:

(1) Senate Rule 12.03(1) is suspended to permit the committee to amend text in Section 325.061(a), Tax Code, to read as follows:

The county commissioners court may call an election on its own motion or shall call an election if a number of qualified voters of the county equal to at least five percent of the number of registered voters in the county petitions the commissioners court to call the election.

Explanation: This change is necessary to clarify the authority of the commissioners court to call an election under its own authority.

(2) Senate Rule 12.03(3) is suspended to permit the committee to add text in Section 325.061(a), Tax Code, to read as follows:

An election under this chapter must be held on the next uniform election day not less than 25 days after the day on which the order calling the election was passed.

Explanation: This change is necessary to expedite the calling of an election by the commissioners court.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Texas Lutheran College of Seguin, accompanied by the president, Dr. Jon Molier, Vice-president Steve Anderson, and Board of Regents member Scott Donegan.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate a delegation of guests from Germany, here studying Texas Government.

The Senate welcomed its distinguished guests.

(Senator Truan in Chair)

(President in Chair)

SENATE RESOLUTION 154

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dr. Herbert H. Reynolds, President of Baylor University, who will be retiring in May, 1995; and

WHEREAS, After joining the faculty of Baylor as a teaching fellow in 1956, Dr. Reynolds earned his master of science and doctor of philosophy degrees in the experimental neurosciences and clinical psychology; and

WHEREAS, He retired from the United States Air Force in 1968 after serving as Director of Research at the Aeromedical Research Laboratory and as the establishing commander of the Air Force Human Resources Laboratories; and

WHEREAS, In March, 1969, he joined Baylor University as Executive Vice-President and on June 1, 1981, was named the 11th president of Texas' oldest institution of higher learning; and

WHEREAS, His presidency has seen more than \$150 million in renovated and new facilities added to Baylor, the endowment has quadrupled, and the total net assets of the university have more than tripled; and

WHEREAS, In 1982, Dr. Reynolds created the Baylor Ambassadors, a unique student service organization which represents Baylor University's interests at the state and federal level on important policy issues that affect higher education; and

WHEREAS, The 1995-1996 biennium will be the seventh legislative session in which the Ambassadors have worked with Texas solons; and

WHEREAS, In 1986, President Reynolds was designated as one of 100 most effective chief executive officers in American colleges and universities in a study funded by the Exxon Education Foundation; and

WHEREAS, President Reynolds is the past Chair of the National Association of Independent Colleges and Universities and presently is Chair of the Independent Colleges and Universities of Texas; he is also a trustee of the Baylor College of Medicine, a member of the Select Committee on Higher Education for the State of Texas, and a director of the Community Bank and the Chamber of Commerce of Waco; and

WHEREAS, A member of 60 honor, civic, and professional organizations, he is a deacon and former deacon chairman of the First Baptist Church of Waco, a 33rd degree Mason, and a licensed psychologist; and

WHEREAS, This noted scholar is listed in *Who's Who in America*, *Who's Who in the South and Southwest*, *Who's Who in Science*, and *Who's Who in Education*, and he has been named a Distinguished Alumnus of both Trinity University and Baylor University; he also holds a doctor of science degree from the Baylor College of Dentistry as well as Seinan Gakuin University in Japan; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 74th Legislature, hereby congratulate President Herbert H. Reynolds of Baylor University on his impressive accomplishments and extend congratulations to him on his approaching retirement; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of the high esteem of the Texas Senate.

The resolution was again read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted on Monday, February 6, 1995.

(Senator Truan in Chair)

GUEST PRESENTED

The Presiding Officer introduced to the Senate the former president of the League of United Latin American Citizens (LULAC), Ruben Bonilla, Jr.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The Presiding Officer at 10:18 a.m. announced the conclusion of morning call.

SENATE BILL 187 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 187, Relating to fees on conviction to reimburse the state and political subdivisions for overtime pay for peace officers who testify at trial.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 187 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 187** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 188 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 188, Relating to the service of summons and waiver of service in a juvenile court proceeding.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 188 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 188** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 586 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 586, Relating to payroll deductions for state employees for contributions to charitable organizations.

The bill was read second time.

(President in Chair)

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 586** as follows:

Strike all below the enacting clause and substitute the following:

"SECTION 1. Subsections (a), (b), and (c), Section 2, Article 6813h, Revised Statutes, are amended to read as follows:

(a) A state [An] employee [of a state agency] may authorize a deduction each pay period from the employee's salary or wage payment for a contribution. The comptroller by rule may establish a minimum deduction for each pay period.

(b) A state employee's deduction [An] authorization is valid only if it requires distribution of [shall direct the comptroller to distribute] the employee's deducted funds to a specified:

(1) federation or fund that has been approved for statewide participation under Section 11 of this article; or

(2) local campaign manager [participating federations or funds and local campaign managers as prescribed by rule].

(c) (1) A state employee's deduction [An] authorization may require the federation or fund specified under Subsection (b)(1) of this section to further distribute the employee's deducted funds to not more than three eligible charitable organizations designated by the employee [designate an eligible charitable organization to receive the deductions]. If the [an] authorization does not contain a designation [designate an eligible

~~charitable organization], the federation or fund shall distribute the employee's deducted funds [deductions shall be distributed] to each eligible charitable organization affiliated with the [participating] federation or fund [and eligible local charitable organization in the proportion that the deductions designated for that charitable organization bear to the total of designated deductions in the local state employee charitable campaign].~~

(2) A state employee's deduction authorization may require the local campaign manager specified under Subsection (b)(2) of this section to further distribute the employee's deducted funds to not more than three charitable organizations designated by the employee and approved for local participation under Section 12 of this article. If the authorization does not contain a designation, the employee's deducted funds shall be distributed to each charitable organization that is affiliated with the local campaign manager and approved for local participation under Section 12 of this article.

(3) Each distribution of a state employee's deducted funds under this subsection must be made according to the comptroller's requirements.

SECTION 2. (a) The changes made to the law by this Act do not apply to:

(1) a deduction authorization provided by a state employee before the start of the first state employee charitable campaign that begins after August 31, 1995;

(2) a deduction authorization provided after the start of the first state employee charitable campaign that begins after August 31, 1995, if the authorization concerns a deduction from salary or wages earned before the start of the campaign year that begins after August 31, 1995; or

(3) a distribution of a state employee's deducted funds under an authorization described in Subdivision (1) or (2) of this subsection.

(b) A deduction authorization or a distribution described in Subsection (a) of this section is governed by the law in effect on August 31, 1995, and that law is continued in effect for this purpose.

(c) The comptroller may adopt rules to administer this section.

(d) In this section:

(1) "Deduction authorization" means an authorization to deduct a specified amount from a state employee's salary or wage payment for a contribution to an eligible charitable organization.

(2) "Eligible charitable organization" and "state employee" have the meanings assigned by Article 6813h, Revised Statutes.

(e) This section expires January 1, 1996.

SECTION 3. This Act takes effect September 1, 1995.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended."

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 586 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 586** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Whitmire, on behalf of Senator Barrientos, was recognized and introduced to the Senate a group of prekindergarten and first-grade students from Austin.

The Senate welcomed its guests.

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. James Womack of Bandera as the "Doctor for the Day." Dr. Womack was accompanied by his daughter Stephanie.

The Senate welcomed Dr. Womack and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a delegation of citizens from Granbury.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Webb County Commissioner Jorge De La Garza and Webb County Judge Mercurio Martinez, Jr.

The Senate welcomed its guests.

SENATE BILL 897 ON SECOND READING

On motion of Senator Brown, on behalf of Senator Sims, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 897, Relating to a review of Texas' programs to research, control, and eradicate animal tuberculosis and to implementing an improved program based on the review.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 897 ON THIRD READING

Senator Brown, on behalf of Senator Sims, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 897 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 1470 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1470, Relating to intellectual property rights and publications of the Texas Department of Transportation.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1470 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1470** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

MESSAGE FROM THE HOUSE

House Chamber
April 5, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 117, Granting permission to adjourn for more than three days beginning Wednesday, April 12, 1995, and ending Tuesday, April 18, 1995.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 298 ON SECOND READING**

Senator Ratliff moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 298, Relating to water quality standards.

The motion prevailed by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Bivins, Brown, Cain, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Madla, Montford, Nelson, Nixon, Patterson, Ratliff, Shapiro, Sibley, Turner, Wentworth, Whitmire.

Nays: Ellis, Gallegos, Luna, Moncrief, Rosson, Truan, West, Zaffirini.

Absent: Barrientos.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by the following vote: Yeas 21, Nays 8. (Same as previous roll call)

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate a delegation of college presidents, staff members, trustees, and students from independent colleges in Texas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Patterson was recognized and introduced to the Senate a group of students from San Jacinto College in Pasadena.

The Senate welcomed its guests.

SENATE BILL 337 ON SECOND READING

Senator Zaffirini moved to suspend the regular order of business to take up for consideration at this time:

S.B. 337, Relating to requiring the use of protective helmets for bicycle safety.

The motion prevailed by the following vote: Yeas 20, Nays 9.

Yeas: Armbrister, Cain, Ellis, Gallegos, Galloway, Haywood, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris, Henderson, Nixon, Ratliff, Rosson, Shapiro, Sibley.

Absent: Barrientos.

Absent-excused: Sims.

The bill was read second time.

(President in Chair)

Senator Galloway offered the following amendment to the bill:

Floor Amendment No. 1

Amend S.B. 337, in SECTION 1 of the bill, by striking Section 758.001(4), Health and Safety Code, and substituting the following:

(4) "Other public right-of-way" means any public right-of-way, other than a public roadway or public bicycle path, that is accessible by the public and designed for use by vehicular or pedestrian traffic. The term does not include a road on private property or a driveway to a residence.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by the following vote:
Yeas 18, Nays 11.

Yeas: Armbrister, Ellis, Gallegos, Galloway, Haywood, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Patterson, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Cain, Harris, Henderson, Nelson, Nixon, Ratliff, Rosson, Shapiro, Sibley.

Absent: Barrientos.

Absent-excused: Sims.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate a delegation of citizens from Hillsboro.

The Senate welcomed its guests.

(Senator Truan in Chair)

GUESTS PRESENTED

Senator Galloway was recognized and introduced to the Senate a group of seventh- and eighth-grade students from Sacred Heart Catholic School of Crosby.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a group of students from J. W. Nixon High School in Laredo and their teacher, Cynthia Haynes Ramirez.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate a group of students from LeTourneau University in Longview.

The Senate welcomed its guests.

(President in Chair)

HOUSE BILL 666 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 666, Relating to the issuance of bonds by a higher education facilities corporation to finance facilities for certain military-related primary or secondary schools.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 666 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 666** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given yesterday by Senator Bivins.

Senator Bivins moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Leedom requested that the following nominee be severed:

To be PRESIDING JUDGE OF THE FIRST ADMINISTRATIVE JUDICIAL REGION: Judge James B. Zimmerman, Dallas County.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported yesterday by the Committee on Nominations, were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

Member, Texas Commission on Alcohol and Drug Abuse: DOROTHY L. GRASTY, Tarrant County.

Members, The Texas A&M University System Board of Regents: ROBERT H. ALLEN, Harris County; FREDERICK DONALD McCLURE, Dallas County; DONALD E. POWELL, Randall County.

Members, Texas Growth Fund Board of Trustees: DAPHNE ANN BROWN, Harris County; H. SCOTT CAVEN, Harris County; C. T. "CARLOS" SHARPLESS, Dallas County.

Members, Texas Guaranteed Student Loan Corporation Board of Directors: JENNIFER JEN'NAN GHAZAL, Wichita County; SHARON MICHAEL, Harris County; ALAN V. RASH, El Paso County; BRENT THOMPSON, Smith County; DR. CHARLEY V. WOOTAN, Brazos County.

Member, Public Safety Commission: JAMES B. FRANCIS, JR., Dallas County.

Members, Stephen F. Austin State University Board of Regents: RICHARD A. BROOKSHIRE, Angelina County; PATTYE GREER, Nacogdoches County; JIMMY W. MURPHY, Harris County.

Members, Texas Tech University Board of Regents: J. ROBERT BROWN, El Paso County; JAMES E. SOWELL, Dallas County; ALAN B. WHITE, Lubbock County.

Branch Pilots for the Ports of the Brazos River Harbor Navigation District of Brazoria County: CAPTAIN JOHN W. BURNS, Brazoria County; CAPTAIN KENNETH A. GONZALES, Brazoria County; CAPTAIN ALVIN A. MILLER, Brazoria County.

Branch Pilot for the Brazos-Santiago Pass, Bar and Tributaries: CAPTAIN NEWTON R. PROHASKA, Cameron County.

Branch Pilots for Galveston Bar and the Houston Ship Channel: CAPTAIN PAUL G. BROWN, Harris County; CAPTAIN JOHN C. CHAPMAN, Harris County; CAPTAIN ERIC W. CORGEY, Galveston County; CAPTAIN STEWART G. CORRY, Harris County; CAPTAIN DANIEL J. DOTY, Brazoria County; CAPTAIN WILLIAM SCOTT FRAILEY, Galveston County; CAPTAIN ANGEL GONZALEZ, Galveston County; CAPTAIN JAMES J. HENSLEY, Harris County; CAPTAIN CHARLES C. LARY III, Harris County; CAPTAIN HAROLD L. LYDICK, JR., Harris County; CAPTAIN RICHARD D. MOORE, Galveston County; CAPTAIN LESLIE D. PALMER, Liberty County; CAPTAIN CHARLES H. PICTON, Harris County; CAPTAIN ERNEST D. REED, Liberty County; CAPTAIN GEORGE C. REESER, JR., Walker County; CAPTAIN RANDY L. RHOADS, Galveston County; CAPTAIN THEODORE A. SCHENDEL III, Harris County; CAPTAIN RICHARD C. SCHULTHEIS, Galveston County; CAPTAIN DAVID A. SMITH, Harris County; CAPTAIN ROBERT L. THOMPSON, Brazoria County; CAPTAIN ARTHUR F. TUTTLE, Harris County; CAPTAIN JAMES R. WALL, Harris County; CAPTAIN MONTE B. WARREN, Galveston County.

Members, Board of Pilot Commissioners for the Ports of Galveston County: ELISA VASQUEZ, Galveston County; ROBERT C. WILLIAMS, Galveston County.

Branch Pilots for the Ports of Galveston County: CAPTAIN CHARLES R. BRANCH, Galveston County; CAPTAIN EDGAR L. KING, Galveston County.

Branch Pilot for the Matagorda Ship Channel: CAPTAIN LARRY W. ROBINSON, Calhoun County.

Branch Pilots for Port Aransas Bar, Corpus Christi Bay and Tributaries: CAPTAIN DANIEL ALLEN DUBOSE, San Patricio County; CAPTAIN MERLIN W. HAYDON, JR., Nueces County; CAPTAIN FRANCIS MICHAEL KERSHAW, Nueces County; CAPTAIN BUFORD E. McRAE, Nueces County; CAPTAIN JAMES F. WILKERSON, JR., San Patricio County; CAPTAIN JOHN ROBERT WILLIAMS, San Patricio County.

Members, Pilot Commission for the Sabine Bar, Pass and Tributaries: ROY LEE DUNN, Orange County; J. W. "JOHNNY" SHAW, Jefferson County; IRMALYN HOLMES THOMAS, Jefferson County; JANET KOONTZ WEHNER, Jefferson County.

Branch Pilots for the Sabine Bar, Pass and Tributaries: CAPTAIN THEODORE R. MORGAN, Jefferson County; CAPTAIN ROLAND E. RESPESS, Jefferson County; CAPTAIN DAVID A. WOOD, Jefferson County.

Judge of the 23rd Judicial District Court, Brazoria, Matagorda and Wharton counties: BEN HARDIN, Brazoria County.

MOTION TO CONFIRM NOMINEE

Senator Bivins moved that the following nominee be confirmed:

Presiding Judge for the First Administrative Judicial Region: JUDGE JAMES B. ZIMMERMAN, Dallas County.

The motion was lost by the following vote: Yeas 0, Nays 29.

Absent: Barrientos.

Absent-excused: Sims.

HOUSE BILL 94 REREFERRED

On motion of Senator Armbrister and by unanimous consent, **H.B. 94** was withdrawn from the Committee on Jurisprudence and was rereferred to the Committee on Criminal Justice.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate a group of students from Wiley College in Marshall.

The Senate welcomed its guests.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Harris announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Harris and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Administration might consider **H.B. 1527** today.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 635 - By Wentworth: Celebrating the grand opening of Retama Park racetrack in San Antonio.

S.R. 636 - By Truan: Commending Jill Scott for being selected 1995 Elementary Teacher of the Year by the Corpus Christi Independent School District.

S.R. 637 - By Truan: Commending Nancy Adams for being selected as Corpus Christi Independent School District's 1995 Secondary Teacher of the Year.

S.R. 638 - By Sibley: Celebrating Hillsboro Day at the State Capitol on April 5, 1995.

S.R. 639 - By Sims: Welcoming Lewis Perkins of Waynesboro, Mississippi, and recognizing his meritorious service during World War II.

S.R. 640 - By Sims: Welcoming Jake Schuffert of Alexandria, Virginia, and recognizing his meritorious service during World War II.

S.R. 641 - By Sims: Welcoming Willard Griffin of Fredericksburg, Virginia, and recognizing his meritorious service during World War II.

S.R. 642 - By Sims: Welcoming Robert McCormick of Spokane, Washington, and recognizing his meritorious service during World War II.

S.R. 643 - By Barrientos: Welcoming the students from the Guanajuato Exchange Program of Mexico and declaring them honorary citizens of Texas.

RECESS

On motion of Senator Truan, the Senate at 11:38 a.m. recessed until 8:00 a.m. tomorrow for the Local and Uncontested Bills Calendar.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

April 4, 1995

JURISPRUDENCE — **C.S.S.B. 262, S.B. 1412, S.B. 1195** (Amended), **C.S.S.B. 1384, S.B. 1061, S.B. 1062, S.B. 899, C.S.S.B. 115, S.B. 390** (Amended), **C.S.S.B. 117, S.B. 1515, S.B. 1171** (Amended)

April 5, 1995

ECONOMIC DEVELOPMENT — S.B. 707, C.S.S.B. 921, S.B. 1150, C.S.S.B. 415, S.B. 341 (Amended), S.B. 872 (Amended), C.S.S.B. 132

ADMINISTRATION — S.B. 792

CRIMINAL JUSTICE — C.S.H.B. 1409, S.B. 342, C.S.S.B. 918, S.B. 1060, C.S.S.B. 254, S.B. 886, C.S.S.J.R. 43, S.B. 294, S.B. 1379 (Amended), C.S.S.B. 440, S.B. 1349, S.J.R. 15

ADMINISTRATION — H.B. 1527

NATURAL RESOURCES — C.S.S.B. 525, C.S.S.B. 590, S.B. 1028, S.B. 1438, S.B. 1016, C.S.S.B. 1017, C.S.S.B. 741

HEALTH AND HUMAN SERVICES — H.B. 988 (Amended), H.B. 721, C.S.S.B. 513, S.B. 660, S.B. 570, C.S.S.B. 799

FORTY-SEVENTH DAY

(Continued)
(Thursday, April 6, 1995)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Harris.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 821

Senator Madla submitted the following Conference Committee Report:

Austin, Texas
April 5, 1995

Honorable Bob Bullock
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S.B. 821 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MADLA
NELSON
WENTWORTH

GALLEGO
DE LA GARZA
COLEMAN
HEFLIN
CRADDICK

On the part of the Senate

On the part of the House